

Minutes of the Special and Regular Meeting October 14, 2003.

Twin Pines Senior and Community Center, 1223 Ralston Avenue.

SPECIAL MEETING: TIME 6:00 P.M.

CLOSED SESSION

A. Conference with Legal Counsel, pursuant to Government Code Section 54956.9(b):

1. Anticipated Litigation, One Case

Attended by Councilmembers Feierbach, Bauer, Wright, City Manager Kersnar, City Attorney Savaree, Attorney Lee Rosenthal, Assistant City Manager Rich. Councilmembers Warden and Metropulos recused themselves from this item. City Clerk Cook was excused from attending.

ADJOURNMENT at this time, being 6:35 P.M., this Closed Session was adjourned.

This meeting was not tape-recorded.

Terri Cook

City Clerk

STUDY SESSION 6:40 P.M.

Joint Meeting with Arts Commission

Councilmembers Present: Feierbach, Metropulos, Warden (arr. 7:05 P.M.), Bauer, Wright

Councilmembers Absent: None (Warden arrived 7:05 P.M.)

Commissioners Present: Kimmey, Allen, Torrans, Davis, Horowitz, Besser, Murray

Commissioners Absent: None

Staff Present: City Manager Kersnar, Parks and Recreation Director Mittelstadt, Recreation Supervisor Holte, City Clerk Cook.

Commission Chair Murray stated that the current commission had only been in place for six months. She reviewed the list of projects that were up for discussion with the Council.

Art in Public Places Policy

Commission Chair Murray stated that the Commission was recommending an amendment to the existing policy to include provisions for the purchase of art. She also stated that the next step would be to explore funding sources, and she reviewed a variety of options available for consideration.

Website Update

Commissioner Horowitz stated that this item has been on the project list since the commission's inception. She stated that it is now up and running, and demonstrated the information available, including the various links to other arts agencies and organizations.

Celebration of the Artist

Commissioner Horowitz stated that one of the commission's goals was to develop a list of artists who are located in Belmont. She outlined the upcoming Celebration of the Artist event on October 15, and stated that the goal was to provide visibility for artists in the community.

Commissioner Kimmey outlined the outreach the commission made for this event, including the distribution of flyers through the schools and to the 1000 visitors to the Silicon Valley Art Museum over the past several months. Commissioner Horowitz stated that the flyers had also been distributed to artists with studios in Belmont.

Children's Art Exhibit

Commissioner Besser stated that her special interest was in children's art. She explained how she made connections with Dick Sperison, who is the art coordinator at the San Mateo County Office of Education, and that he has helped arrange an exhibit to be launched in April of 2004. She said there would be an Open House to celebrate the event.

Chair Murray congratulated Commissioner Besser for accomplishing so much in the six months she had been a member of the Commission.

(7:05 P.M., Councilmember Warden arrived.)

Sister City Exchange Program

Commissioner Davis reviewed the visit from the Namur, Belgium, delegation in the spring of 2003. She stated that another delegation would be coming in December. She outlined some of the long-term goals of the Sister City committee, including email penpals from Ralston Middle School as a program to encourage friendships, the sponsorship of a decorated tree at the Chamber of Commerce holiday event, and an upcoming trip to Namur in June.

In response to council questions regarding the scholarship program offered by Notre Dame de Namur University, Chair Murray clarified that Namur had no infrastructure for dealing with scholarships, but hoped to have something in place in the near future.

Arts Alliance

Commissioner Allen stated that the purpose of an Arts Alliance is to create a vehicle to secure grants and other funding for arts and cultural events. She clarified that the organization needs to be a separate entity. She reviewed the Santa Clarita example that could be used as a model.

Other Items

Chair Murray stated that both she and Commissioner Davis participated in the recent Visioning Process. Mayor Wright commented that the impact of arts in the community was an element that emerged from the process. Chair Murray also stated that there may be an opportunity in the future to network and form connections with the business community.

ADJOURNMENT at this time being 7:30. P.M.

REGULAR MEETING – 7:58 P.M.

ROLL CALL

Councilmembers Present: Feierbach, Metropulos, Warden, Bauer, Wright

Councilmembers Absent: None

Staff Present: City Manager Kersnar, Assistant City Manager Rich, City Attorney Savaree, Community Development Director Ewing, City Clerk Cook.

ANNOUNCEMENTS

Mayor Wright announced that on September 9, 2003, the City Council voted unanimously to authorize settlement of the City of Belmont vs. Robert Chew, San Mateo County Superior Court Case Number CIV429192. He stated that the release providing for the payment of \$11,500 to the City of Belmont was on file in the City Clerk's office.

ANNOUNCEMENT OF CLOSED SESSION ITEM

Mayor Wright announced that at the Closed Session held earlier in the evening, direction was given, no action was taken.

PUBLIC COMMENTS AND ANNOUNCEMENTS

George Kranen, Belmont Kiwanis Club, announced a Child Safety program to be held on October 19.

Steve Gross, Hallmark Drive, announced that the Belmont Heights Civic Improvement Association would be holding its third annual Fun Run on October 19, and that the proceeds would be for School Force. He stated there were many sponsors for this event, and that the goal was to have 150 runners.

Marni Teul, Kollage School for the Arts, presented Thank-You cards to the City Council which were made by art students. She announced the grand opening of Kollage's preschool playground on October 25.

Dianne Keogh, Carlmont Drive, announced that there would be a fundraising dinner to benefit Measure I on October 17.

Mike Davis, Belmont Community Players, announced the opening of the Melodrama on October 25. He was joined by an entourage of "Diamond Lils" from the show.

COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS

Councilmember Metropulos announced that the Arts Commission was hosting a reception on October 15.

Councilmember Bauer requested that residents make a contribution to the Belmont Police Department to send Nelson, the K-9 unit dog, to dog school. He also announced that PG&E would be raising their natural gas rates by 30 percent, and encouraged people to contact PG&E regarding the increase.

Mayor Wright announced that the last day to register for the November 4 election would be October 20.

AGENDA AMENDMENTS

Mayor Wright announced that he had been advised that the Housing Endowment and Trust (HEAT) organization would be meeting prior to the next City Council meeting, and that an appointed representative would be needed from Belmont.

City Attorney Savaree explained that this item could be added to the agenda by a four-fifths vote.

Action: On a motion by Councilmember Metropulos, seconded by Councilmember Warden, and unanimously approved by a show of hands, **Approval of Appointment of Belmont delegate to the Housing Endowment and Trust (HEAT)** was added to the agenda.

Action: On a motion by Councilmember Warden, seconded by Councilmember Metropulos, and unanimously approved by a show of hands, Councilmember Feierbach was appointed as the delegate to the Housing Endowment and Trust (HEAT).

CONSENT CALENDAR

Councilmember Bauer requested the removal of the Minutes of September 9, 2003, from the Consent Agenda.

ITEMS APPROVED ON THE CONSENT CALENDAR

Approval of meeting minutes: Special and Regular Meetings of September 23, 2003.

Motion to waive reading of Ordinances.

Written Communication 1) Received September 25, 2003, from the Public Utilities Commission regarding Application of Jarnail S. Jaiswal, DBA Aero Airporter Express for the authority to operate as a passenger stage operation.

Approval of Resolution 9473 approving the Acceptance of the COPS Technology Grant 2003 from US Department of Justice for Equipment and Technology needs related to the new Police Facility.

Approval of Resolution 9474 Proclaiming October 18-26, 2003, as Red Ribbon Week in the City of Belmont.

Approval of Resolution 9475 approving an Open Space/Conservation Easement and an Ownership and Open Space Management Plan for the sending Parcel (APN 043-322-610), commonly referred to as Lot 20, Block 105 of Belmont Country Club Properties Subdivision, in an approved Floor Area Transfer between said parcel and a discontiguous receiving parcel (APN 043-322-450), on Ralston Avenue.

Action: On a motion by Councilmember Warden, seconded by Councilmember Bauer, the Consent Agenda, as amended, was unanimously approved by a show of hands.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR SEPARATE CONSIDERATION:

Approval of meeting minutes: Regular Meeting of September 9, 2003.

Councilmember Bauer stated that the paragraph on Page 6 did not accurately reflect the intent of his comments. City Clerk Cook stated that she could listen to the tape to verify what was said.

Action: On a motion by Councilmember Warden, seconded by Councilmember Feierbach, the minutes were approved by a vote of 4-1 (Bauer, no) with the inclusion of verbatim comments of Councilmember Bauer, as indicated by the City Clerk.

PUBLIC/HEARINGS

Public Hearing to Adopt Amendments to Chapter 13, Belmont Municipal Code, Massage Ordinance (First Reading).

City Attorney Savaree stated that changes were made to the ordinance following the comments by the speakers, and through direction of the Council at the previous meeting.

Mayor Wright opened the Public Hearing. No one came forward to speak.

Action: On a motion by Councilmember Warden, seconded by Councilmember Bauer, the Public Hearing was closed unanimously by a show of hands.

Action: On a motion by Councilmember Bauer, seconded by Councilmember Feierbach, by a show of hands, an ordinance Amending Chapter 13, Belmont Municipal Code, Massage Ordinance was unanimously introduced by title, further reading waived, and the 2nd reading and adoption set for October 28, 2003.

OLD BUSINESS

Consideration of Contract Award for the Police Department/City Hall Project (CCN 415-A)

Assistant City Manager Rich stated that in 2002, the bids for the previous architectural plans for the City Hall/Police Facility were considerably higher than the estimate. He commented that the new architect discovered that those plans were deficient. He noted that the City had prequalified eleven firms and that two had bid on the latest plans and specifications. He stated that the low bid was 8.5 percent over the estimate, and he reviewed the options available for Council action. He also stated that staff recommended approval of the project to the low bidder, Thompson Pacific, with all of the alternates except the fencing (alternate one). He clarified that this item could be done at a later date.

Assistant City Manager Rich reviewed financing options and funding sources, as well as the construction schedule. He clarified that the Redevelopment Agency previously committed up to \$2 million towards this project.

In response to Councilmember Warden, Assistant City Manager Rich clarified that the cost for the demolition of the existing police facility was included in the bid under miscellaneous items.

Council discussion ensued regarding the option for the Council Chambers. Assistant City Manager Rich stated that the space would be created in the new building design, but that it could remain a shell and finished later.

In response to Councilmember Bauer regarding staff moving out during construction, Assistant City Manager Rich clarified that the new design was less intrusive than the previous plan and that it would be cheaper and less disruptive for staff to remain on site rather than relocate to rented facilities elsewhere.

George Kranen, Notre Dame Avenue, stated that this project reduced the treasury by one-third, and there may be additional State takeaways in the future.

Howard Mason, City Treasurer, stated he had concerns regarding City's financing, and that the time was not right to spend money on City Hall. He also stated that this project does not have community support as others projects do, such as athletic fields and the library. He clarified that the Redevelopment Agency was formed for infrastructure improvements, and that City Hall does not meet this goal.

Robert Ledoux, Finance Commissioner, stated that future change orders could push the cost of the project even higher.

Warren Lieberman, Chair, Finance Commission, stated that a 10 percent contingency was appropriate for this project, which would make the final cost \$10 million, which is \$1 million more than the budget. He recommended waiting before awarding the bid, and he reviewed options to be considered such as a separate building and leasing space in City Hall.

Warren Gibson, E. Laurel Creek, stated that he was a civil engineer and had read the engineer's report on the existing building. He commented that it is irresponsible for City staff to be housed in an unsafe building. He noted that Council had considered all options, and he recommended moving forward with the project.

Councilmember Feierbach stated that she has respect for the Finance Commission, but was concerned about building safety. She commented that she does not like leased space in City Hall. She supported up to \$10 million for this project. She noted that there was bond money available for the library, and that Redevelopment funds could not be used for that project. She agreed with the recommendation, including the exclusion of the fence item.

Councilmember Metropulos stated that this project is not a city hall project, but a police department facility, which is a priority for the City. He clarified that he could not support a separate building, that delays will cost more money, and safety is an issue. He also stated that the policy decision had been made regarding this option, and he supported moving forward with the project.

Councilmember Warden stated that a City Hall/Police Department facility is not exciting like a library and sports fields. He commented that the condition of the current police station is appalling, that the existing city hall is not a city hall, and that the citizens deserve a city hall. He further stated that the building is unsafe, and that Council has a responsibility to the employees. He supports the recommendation.

Councilmember Bauer stated that this project is primarily a police facility that has been promised to the police department. He also stated that the City needs to move ahead because delays will be costly. He commented that the decision for this project was made in 2002.

Mayor Wright stated that he had previously supported another option, but he has supported the majority with the current option. He commented that he wanted to include the Council Chambers, but would compromise with its removal to reduce the project by \$500,000. He stated that using Redevelopment money for this facility was not the intent of Redevelopment.

Action: On a motion by Councilmember Warden, seconded by Councilmember Metropulos, Resolution 9476, Awarding Police Department/City Hall Project (CCN 415-A) to Thompson-Pacific, including Alternates 2, 3, and 4, was unanimously approved by a show of hands.

RECESS: 9:12 P.M.

RECONVENE: 9:25 P.M.

Belmont Visioning Project – Presentation of Draft Vision Statement.

Community Development Director Ewing reviewed the background of the visioning process as the first step in the General Plan update. He described how stakeholders in the community were involved in the seven visioning committees. He noted that several of those members also formed the editor's committee for drafting the vision statement. He stated that the draft vision statement was made available to the public over the past several weeks, which resulted in some changes. He noted that students from Central and Sandpiper Schools wrote their own visions of Belmont, and their work was on display in the room.

The chairpersons of each of the committees read their respective portions of the vision statement.

Kristi Denham, Chairperson, Community Connections Committee, shared the following selection from "Community Character". *Belmont prides itself on being unique. Its small-town ambience sets it apart as a tranquil, safe, and desirable place to live. We get involved in town matters because we care about living here.*

Bill Dickenson, Co-Chair, Space and Urban Design Committee/Editor Committee, shared the remainder of "Community Character". *We connect with each other in all kinds of gathering places. Our strong sense of*

community and enjoyment of the town's assets and activities deepen as we become better informed and connected.

Cori McKenzie, Chair, Neighborhood and Open Spaces Committee, shared the following selection from "Natural Beauty": *We choose to make our home among these beautiful hills, trees, parks, views, and open spaces. Our natural surroundings inspire us to play, create, and contemplate.*

John Boykin, Neighborhoods and Open Space Committee, shared the remainder of "Natural Beauty": *Our actions today preserve and enhance Belmont's beauty to make it even lovelier for our grandchildren. Our wooded residential areas are diverse, peaceful and well maintained.*

Judy King, Chair, Arts Committee, shared "Thriving Culture": *Belmont is a wonderfully safe and supportive place to raise a family. We facilitate lifelong learning in our academic, artistic, athletic, and social dimensions. Our schools and library are the pride of the community. Our university is intrinsic to Belmont's social, artistic and economic life. Our playgrounds and athletic fields are of high quality and in high gear. The arts thrive in this creative, appreciative town -- the arts hub of the Peninsula. Our history makes Belmont what it is, and we preserve that heritage for our children.*

Howard Mason, Chair, Economic Development Committee, shared the following selection from "Thriving Economy": *A charming, vibrant town center is the heart of our civic and economic life. Our economy prospers with a mix of attractive, successful businesses that fit with our community character.*

Phil Mathewson, Economic Development Committee, shared the remainder of "Thriving Economy": *We look first in our own shops and restaurants for what we need. Education, arts and the economy flourish in concert.* He also shared the following selection from "Easy Mobility": *We put a priority on getting out of, into, and through town efficiently. Bicyclists, walkers, and other nondrivers get where they're going easily and safely. We require safe residential streets and smooth-flowing thoroughfares.*

Community Development Director stated that 70 people participated on the Visioning committees. He clarified that the original draft of the Vision Statement included a slogan, which did not test well, so it was eliminated from the final draft.

Kate Welty, MIG, Inc. (consultant for Visioning Project), stated that the process utilized in Belmont is already being used as a model for other cities

because it was community-driven, not Council or consultant-driven. She commented that Belmont is a very involved community.

In response to Councilmember Feierbach, Community Development Director Ewing stated that the visioning process is a bridge to the General Plan update in that it shapes the Plan using vision, which will be integrated into the final General Plan.

Catherine Barber, Old County Road, stated that she was part of a previous County visioning project, and Belmont's process was much better. She noted that absent from the vision is reference to quality of life and community diversity.

Mary Morrisey-Parden, Belmont Chamber of Commerce, thanked the Council for allowing the Chamber to be involved in the process, and clarified that the Chamber supports the draft vision statement. She recommended developing a slogan in the future. She supports a business-friendly, mixed-use environment for downtown.

John Boykin, Editor of the Visioning Statement, clarified that the Statement represents one page of a 49-page document, and that it serves as an introduction, not a substitute. He stated that a future slogan would be important, and suggested it could be "City of 1000 Opinions". He clarified that the Statement was purposely written in the present tense, since the document is intended to answer what kind of community we are. He stated that technology is missing on purpose, since the statement is not intended to be distinctive or intrinsic. He reviewed the genesis of specific words and statements and omissions. He clarified that quality of life is imperative in each sentence.

Warren Lieberman, Finance Commissioner and Committee Member, commended Community Development Director Ewing's leadership in this process.

Councilmember Warden stated that it was helpful to get the explanation from Mr. Boykin, and noted that the Vision Statement was a result of like-minded thinking. He commented that Council should not wordsmith the statement, since it was a community project.

Mayor Wright stated that a community statement requires dynamic tension, which is evident in the document. He also stated that quality of life is defined differently for each community. He commended the work of the committees and of Community Development Director Ewing.

Action: On a motion by Councilmember Warden, seconded by Councilmember Bauer, the Vision Statement was adopted as presented, unanimously by a show of hands.

NEW BUSINESS

Consideration of Reinstatement of San Juan Canyon Subcommittee.

Assistant City Manager Rich reviewed the previous work of the San Juan Canyon Subcommittee, which recommended the lot merger program and slope density changes.

Councilmember Feierbach stated that the subcommittee could work on details of new potential development in the Canyon.

Councilmember Warden stated that this would not be a policy subcommittee but would gather information. He clarified that if the full Council had to be involved in details, it would slow down the process. He also stated that the subcommittee could help guide development and take the burden off staff by raising policy issues that Council would need to direct.

Mayor Wright stated that subcommittees have the potential to shape policy. He added that San Juan Canyon issues are always an either/or rather than a balance. He clarified that he supported the lot merger and slope density programs because they were compromises. He would like to see a balance of someone with a planning background and some other member on this subcommittee. He said he was concerned about the perception of an unbalanced agenda.

Council discussion ensued.

Councilmember Bauer stated that he originally did not support the subcommittee, but thinks it would be a good idea, and added that he would like to participate.

Action: On a motion by Councilmember Warden, seconded by Councilmember Feierbach, the formation of a San Juan Canyon subcommittee was unanimously approved by a show of hands.

Council concurred to appoint members with the other Intergovernmental Assignments later in the year.

Action: The time being 10:25 p.m., on a motion by Councilmember Warden, seconded by Councilmember Bauer, the meeting was unanimously extended by 15 minutes by a show of hands.

BOARD, COMMISSION, COMMITTEE UPDATES, AND STAFF REPORTS

Background Report on the Economic Development Strategy

Community Development Director Ewing stated that the purpose of this presentation was to give a brief summary of the work of the Economic Development Committee, and that Council would be asked to take action at the next meeting. He introduced Simon Alejandrino of Bay Area Economics (BAE), Inc., consultant for the committee.

Simon Alejandrino, BAE, Inc., reviewed demographics, population growth and economic trends for Belmont and the region. He noted that the economic challenge for Belmont is that limited land resources and a lack of a retail center drive retail to neighboring cities. He also noted that Belmont's economic strengths are its central location, easy access, good educational system, the arts, and sense of community.

Mr. Alejandrino also reviewed trends and opportunities in the downtown area, and added that there was a potential for additional development on the east side of the freeway. He noted that focus on the arts makes Belmont unique, and may provide an opportunity to leverage economic development. He stated that additional details and policy issues would be presented at the next Council meeting.

Action: The time being 10:45 p.m., on a motion by Councilmember Warden, seconded by Councilmember Feierbach, the meeting was unanimously extended by 15 minutes by a show of hands.

Presentation of Financial Statements for the City of Belmont FY 02-03

Finance Director Fil stated that due to the lateness of the hour, he recommended that Council approve the financial reports, and a detailed presentation would be given at the next meeting.

Action: On a motion by Councilmember Bauer, seconded by Councilmember Feierbach, the financial reports were unanimously approved by a show of hands.

MATTERS OF COUNCIL INTEREST/CLARIFICATION

Consideration of amendments to Tree Ordinance (Feierbach).

Councilmember Feierbach stated that she would like to amend the tree ordinance so that fees collected for tree removal would be placed in a tree fund rather than placed in the General Fund.

Council concurred to bring this item back for discussion at a future meeting.

Consideration of Resolution in Support of Measure I (Warden).

Councilmember Warden stated that he would like Council to formally endorse Measure I, the South County Fire District parcel tax on the November ballot. He clarified that staff had originally recommended a 30-year tax, but the Fire Board reduced the length of time to seven years.

Councilmember Bauer stated that he supports the seven-year timeline, which should give enough time to look into reorganization and consolidation for economic purposes.

Council concurred to endorse Measure I in principle, and approve a formal resolution at the next meeting.

Consideration of amendment to C-2 zoning to allow for cabarets as conditional use (Feierbach)

Councilmember Feierbach stated that live music is currently not allowed in C-2 zones. She stated that some restaurants would like the City to amend the conditional uses to allow music.

Councilmember Warden stated that he would support this, and noted that applicants would still have to seek Planning Commission approval through a Conditional Use Permit.

City Manager Kersnar stated that this item could be added to the priority calendar as a zoning amendment, but staff would need to look at the implications in C-2 zoning elsewhere in the City.

Community Development Director Ewing stated that this item could take approximately 20-25 hours of staff time.

Council concurred to add this item to the Community Development Department's project list.

Adjournment, at this time, being 11:02 P.M.

Terri Cook

City Clerk

Meeting Tape Recorded & Videotaped

Tape #564